

REMARKS

Favorable consideration of this application as presently amended is respectfully requested.

Claims 26-53 are presently active in the application. Claims 1-25 are canceled by the present Preliminary Amendment.

Claim 26 recites that the holding portion has a top surface which defines a clearance from the cover member of less than a thickness dimension of the disk when the cover member is in a closed position. Japanese patent 9-226869 does not disclose this feature. Japanese patent 9-226869 discloses a projection 11 on the cover 4 and prong 7 on the holding plate 3 that overlap when the cover is closed. Therefore, Japanese patent 9-226869 does not define a clearance as recited in claim 26.

Claim 31 is drawn to a recording medium disk storage case wherein the storage case has a thickness not greater than 6 mm when the cover member is closed over the holding plate. None of the Japanese patent 9-226869, Kownacki, Japanese publication 8-90610 or Clemmons (4,903,829) disclose a recording medium disk storage case that has a thickness not greater than 6 mm when the cover member is closed over the holding plate. Applicants submits that the subject matter in claim 31 would not have been obvious from those references taken alone or in any proper combination. According, in the absence of more pertinent art, applicants submit that claim 31 is allowable.

Claim 37 recites a recording medium disk storage case wherein the holding plate and the cover member have respective abutment portions which directly abut each other when the cover member is opened 180° relative to the holding plate to maintain the open condition and which are configured to allow the holding plate and cover member to further pivot relative to each other when a force is exerted to open the cover member further from said 180° open condition. This structure is not taught or suggested by Japanese patent 9-226869 or by

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Grobecker (4,805,770) either alone or in any proper combination. The cover member 30 and the holding plate 29 disclosed by Grobecker do not have abutting portions which directly abut each other when the cover member is opened 180° relative to the holding plate to maintain the open condition. The push-up projections 36 disclosed by Grobecker engage the grip member of a removable tray 2 placed within the storage cassette 28. Therefore, the push-up projections 36 raise the grip member and hence the tray 2 when the lid 30 is pivoted through an angle of more than 180°. Therefore, the subject matter in claim 37 is not taught or suggested by Japanese patent 9-226869 or by Grobecker or by any proper combination of those references.

Claim 39 recites a recording medium disk storage case wherein the cover member defines a communication aperture extending through the thickness thereof to open the label holding claws. None of Japanese 9-226869, Kownacki, Nakasaji (5,896,985) or Fraser et al. (5,788,068) teach or suggest this feature. Applicants can find no teaching or suggestion in Fraser et al. to the effect that the items 11A comprise communication apertures. Fraser discloses at column 4 lines 19-20 that the items 11A are spring clip-like devices. There is no teaching or suggestion that those devices include or comprise apertures. Likewise, none of the other references teach or suggest communication apertures. Therefore, whether taken alone or in any proper combination, those references fail to teach or suggest the subject matter of claim 39.

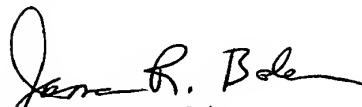
The present Preliminary Amendment provides cross-reference to the parent application related to the present continuation application, corrects minor informalities in the specification, and adds new claims based on the originally filed specification. As such, the present Preliminary Amendment is not believed to raise any issue of new matter.

Accordingly, examination on the merits of Claims 26-53 are believed to be in order and an early and favorable action on the merits is respectfully requested.

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